Remarks

This Amendment is responsive to the November 23, 2005 Office Action. Reexamination and reconsideration of claims 1-20 is respectfully requested.

Election/Restrictions

Claims 1-20, drawn to a monitor stand, classified in class 248 subclass 125.1, were provisionally elected without traverse. This election is affirmed.

Claims 21-25, drawn to a method for mechanically carrying out a monitor at a desired vertical position, classified in class 248, subclass 158, are withdrawn in response to the restriction requirement.

Abstract

The Office Action requests that the term "means" as recited in the abstract should be removed. This term has been removed. A substitute Abstract has been provided.

Specification

The disclosure was objected to because it did not include a brief summary of the invention. No brief summary is required and thus Applicant respectfully requests that this objection be removed. If the Examiner persists in this objection, the Examiner is invited to provide a citation to an MPEP section or CFR section that requires a summary.

The disclosure was objected to because "numerous reference numerals" allegedly appear in the drawings but not in the specification. The Examiner identifies reference numeral 2 as an example. The Examiner asserts that reference numeral 2 appears in Figure 4. The Applicant has examined Figure 4 and all the other figures and the reference numeral 2 does not seem to appear. Paragraph 27 has been amended to identify elements 450, 452, and 460. Identifying these elements does not add new matter to the specification since the elements previously appeared in Figure 4. Thus, Applicant respectfully requests that the objection be removed.

The specification was objected to because page 6 [0026] refers to a threaded hole 140 that purportedly is not found in Figures 1-3. Threaded hole 140 appears in figure 2, but was

not labeled. A reference number 140 has been added to the replacement drawings. Thus, Applicant respectfully requests that the objection be removed.

The specification was objected to for purportedly failing to provide proper antecedent basis for a "friction plate" as claimed in claims 6 and 13. In claim 6, "friction plate" is used as an embodiment of the "second assembly" claimed in claim 1. In claim 13, "friction plate" is used as an embodiment of the "friction assembly" claimed in claim 8.

Paragraph [0026] describes a "second assembly" as including a screw that may be seated in threaded hole 140 and that is moveable to contact surface 150 of guide 110. This is one embodiment of a friction plate. Paragraph [0034] describes one embodiment of a friction assembly as including a user turnable screw (e.g., 132) that can contact surface 150 to create friction. This also is an embodiment of a friction plate. Paragraph [0034] also describes alternative embodiments of a friction assembly. The alternative embodiments include:

> a lever that can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**, a screw that can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**, a friction plate configured to be moveable against the guide **110** and/or and the attachment assembly **100**, where the friction plate can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**. As described above, the friction assembly **130** can be controlled by a user controllable friction control The user controllable friction control may be, for example, a screwhead, a knob, a lever, a dial, a slider, and so on.

Thus, the term "friction plate" is supported in the specification by both description, figures, and several alternative embodiments.

Drawings

The drawings were objected to under 37 CFR 1.84(I) and 1.84(p)(5). New Sheets are provided herein to replace all original sheets 1-7. Applicant has label them as "New Sheets" because Figures 1-3 have been placed on separate sheets and have been enlarged to address the Examiner's objections with size. Thus, the new sheet numbers do not match with the original sheet numbers. The content of the figures has not been changed except for the addition of connection hatching where appropriate as requested by the Examiner. This objection should now be overcome. However, some of the objections are invalid. For

example, figure 4 is objected to for purportedly having the reference numeral 2, which it does not. Similarly, Figures 5-8 are objected to for "fragment" reasons. However, these are not fragments. Figure 5 illustrates a complete stand. Figures 6-8 illustrate how a user configurable frictional force may be generated. This user configurable frictional force cooperates with a fixed lifting force to hold a monitor in position without being locked in position. This combination of forces is missing in the reference.

Once clarification of these objections is made, and once the §102 rejections are addressed, Applicant can submit the figures that remain relevant and that still require additional corrections to a draftsmen for finalizing.

Summary of The Office Action

Claims 6 and 13 were objected to because "friction plate" as claimed in claims 6 and 13 is purportedly not described in the specification.

Claims 17–19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

Claims 1-20 were rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,857,610 to Conner, et al. (Conner).

Claims 21-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Conner et al. Claims 21-25 have been withdrawn in response to the restriction requirement.

Objections to Claims

Claims 6 and 13 were objected to because "friction plate" as claimed in claims 6 and 13 is purportedly not described in the specification. In claim 6, "friction plate" is used as an embodiment of the "second assembly" claimed in claim 1. In claim 13, "friction plate" is used as an embodiment of the "friction assembly" claimed in claim 8.

Paragraph [0026] describes the "second assembly 130" as including a screw that may be seated in threaded hole 140 and that is moveable to contact surface 150 of guide 110. One skilled in the art would recognize this as one embodiment of a friction plate. Paragraph [0034] describes one embodiment of friction assembly 130 as including a user turnable screw (e.g., 132) that can contact surface 150 to create friction.

Paragraph [0034] describes alternative embodiments of friction assembly 130 as including:

> a lever that can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**, a screw that can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**, a friction plate configured to be moveable against the guide **110** and/or and the attachment assembly **100**, where the friction plate can produce the frictional force by bearing on the guide **110** and/or the attachment assembly **100**. As described above, the friction assembly **130** can be controlled by a user controllable friction control. The user controllable friction control may be, for example, a screwhead, a knob, a lever, a dial, a slider, and so on.

Thus, the term "friction plate" is supported in the specification by both description, figures, and several alternative embodiments. Therefore Applicant respectfully requests that this objection be removed. The Office Action fails to understand that the user configurable frictional force is produced by the friction assembly and applied to counteract a downward force produced by a load.

Claim Rejections, 35 USC §112

Claims 17–19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Specifically, the Examiner asserts that claim 17 is incomplete for omitting a necessary structural cooperative relationship between elements.

However, Claim 17 includes the required linkage. The last element in claim 17 provides the linkage. Claim 17 describes means for supplying a lifting force and means for supplying a frictional force. Additionally, claim 17 claims that the lifting force will by

constrained to a certain direction by means for guiding a direction of travel of the means for applying the lifting force.

The two forces, the lifting force and the frictional force will cooperate to hold a monitor in place. The cooperation is achieved by the final element, "means for applying the frictional force **between** the means for guiding the direction of travel and the means for applying the lifting force". Clearly the elements are linked by how the frictional force is applied. The frictional force is applied "between" the means for guiding and the means for applying. This relationship is illustrated in Figures 6-8. Thus the required structural cooperative relationship is provided and Applicant respectfully requests that this rejection be removed. The Office Action ignores this cooperation of forces when it relies on a reference that employs only one continuously variable lifting force.

The Claims Patentably Distinguish Over the References of Record

Claims 1-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Conner. However, Conner fails to disclose each and every element of the claims and thus Applicant respectfully requests that these rejections be removed.

35 U.S.C. §102

For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach every element of the claim. Section 2133 of the MPEP recites:

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent Claim 1

Claim 1 is directed to a monitor stand height adjustment mechanism. The mechanism allows a monitor to move in a vertical direction and to be held in a user-selected vertical location without locking the monitor stand. The mechanism uses two cooperating forces, a fixed lifting force and a user configurable frictional force. Conner describes neither a fixed lifting force nor a user configurable frictional force.

Claim 1 recites a first assembly that produces a fixed lifting force. The Office Action asserts that Conner element 27, a gas spring, anticipates the first assembly. Conner describes an apparatus that includes a fulcrum that creates an angle that "creates a condition where the forces required from the gas spring to balance the load **are not constant**." Col 9, l 51-54. Thus, Conner describes how it is necessary to "**continuously adjust** the moment generated by the gas spring to closely match that generated by the load as repositioned". Col 9, l 60-62. Since Conner relies on a force that is "continuously adjusted", Conner does not anticipate a claim that relies on a "fixed lifting force".

Claim 1 also recites a second assembly that produces a user configurable friction force. The Office Action identifies Conner elements 23a, 23b, 34a, and 34b as anticipating the second assembly. However, the "friction ball" created by these elements does not produce a frictional force that participates in counteracting a vertical downward force produced by the monitor. The only element in Conner that counteracts the vertical downward force is the gas spring 27. Since Conner does not include an element that provides a frictional force that contributes to counteracting the downward force of a load, Conner does not anticipate claim 1.

Since claim 1 recites features not taught or suggested by the reference, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-7 also patentably distinguish over the reference and are allowable.

Claim 4

Claim 4 depends from claim 1. Claim 1 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 4 recites that the monitor support assembly can be moved vertically by applying a force with a vertical component of less than one Newton. The Office Action asserts that the monitor support assembly of Conner can be moved vertically by applying a force less than ten Newtons. While this data may be relevant to claim 3, it is irrelevant to claim 5. For this additional reason this claim is allowable.

Claim 5

Claim 5 depends from claim 1. Claim 1 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 5 recites that the second assembly includes a user moveable lever or a user turnable screw that could bear on the monitor support assembly and/or the monitor support assembly guide to produce the user configurable friction force. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Claim 6

Claim 6 depends from claim 1. Claim 1 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 6 recites that the second assembly includes a user moveable friction plate or an arm that could bear on the monitor support assembly and/or the monitor support assembly guide to produce the user configurable friction force. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Independent Claim 8

Claim 8 is directed to a monitor stand configured with a height adjustment mechanism. The height adjustment mechanism facilitates positioning a monitor in a user selected vertical position without locking the monitor in place. The height adjustment mechanism uses two cooperating forces, a fixed lifting force and a user configurable frictional force. Conner describes neither a fixed lifting force nor a user configurable frictional force.

Claim 8 recites means for providing a fixed lifting force. The Office Action identifies Conner element 27, a gas spring, as providing the fixed lifting force. But Conner relies on the ability of spring 27 to "**continuously adjust** the moment generated by the gas spring to closely match that generated by the load as repositioned". Col 9, l 60-62. A reference that relies on a force that is "continuously adjusted" does not anticipate a claim that relies on a "fixed lifting force".

Claim 8 also recites a friction assembly and a user controllable friction control that cooperate to produce a user configurable frictional force **between** the guide and the attachment assembly. The Office Action asserts that Conner elements 23a, 23b, 34a, and 34b

anticipate the second assembly. However, the "friction ball" formed by these elements does not produce a force that participates in counteracting a vertical downward force produced by the monitor. The only element in Conner that counteracts the vertical downward force is the gas spring 27. Additionally, even if the friction ball did provide the friction force, it does not provide the force "between the guide and the attachment assembly" as claimed.

Since claim 8 recites features not taught or suggested by the reference, claim 8 patentably distinguishes over the reference. Accordingly, dependent claims 9-16 also patentably distinguish over the reference and are allowable.

Claim 11

Claim 11 depends from claim 8. Claim 8 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 11 recites that the monitor support assembly can be moved vertically by applying a force with a vertical component of less than one Newton. The Office Action asserts that the monitor support assembly of Conner can be moved vertically by applying a force of less than ten Newtons. While this data may be relevant to claim 10, it is irrelevant to claim 11. For this additional reason this claim is allowable.

Claim 12

Claim 12 depends from claim 8. Claim 8 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 12 recites that the friction assembly includes a user moveable lever or a user turnable screw that could bear on the monitor support assembly and/or the monitor support assembly guide to produce the user configurable friction force. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Claim 13

Claim 13 depends from claim 8. Claim 8 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 13 recites that the friction assembly includes a user moveable friction plate that could bear on the monitor support

assembly and/or the monitor support assembly guide to produce the user configurable friction force. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Claim 15

Claim 15 depends from claim 8. Claim 8 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 15 recites that the friction assembly includes a knob operating as a user controllable friction control. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Claim 16

Claim 16 depends from claim 8. Claim 8 has been shown to be not anticipated. Thus, this claim is similarly not anticipated. Additionally, claim 16 recites that the friction assembly includes a lever operating as a user controllable friction control. Conner does not disclose this additional element. For this additional reason this claim is allowable.

Independent Claim 17

Claim 17 includes elements for "supplying a lifting force", for "supplying a friction force", for "applying the lifting force", for "guiding a direction of travel", and for applying the frictional force **between** the guiding element and the applying element.

Conner describes a monitor holder that relies solely on the continuously variable lifting power of a gas spring. The monitor holder in Conner does not rely on a frictional force to cooperate with a lifting force to hold a monitor in a user selected vertical position. Therefore, it follows that Conner also does not describe an element that applies the frictional force **between** the guide and the means for applying.

Thus, claim 17 is not anticipated. Accordingly, dependent claims 18 and 19 are similarly not anticipated.

Independent Claim 20

Claim 20 recites a monitor stand that once again relies on two forces, a fixed lifting force and a configurable friction force. As described above, Conner relies solely on a continuously variable lifting force. Thus, Claim 20 is not anticipated.

Ascertaining Skill Level of One Skilled In The Art

The MPEP requires that the Office Action ascertain and describe the level of ordinary skill so that objectivity can be maintained. MPEP §2141.03 reads:

> The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry. Ryko Mfg. Co. v. Nu-Star, Inc., 950 F.2d 714, 718, 21 USPQ2d 1053, 1057 (Fed. Cir. 1991). The examiner must ascertain what would have been obvious to one of ordinary skill in the art at the time the invention was made, and not to the inventor, a judge, a layman, those skilled in remote arts, or to geniuses in the art at hand. Environmental Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983), cert. denied, 464 U.S. 1043 (1984).

Here the Office Action neither ascertains nor reports on the level of ordinary skill in the art. One skilled in the art would recognize that paragraph [0034] provides support for the friction plate embodiment of claim 13 (friction assembly of claim 8) and the friction plate embodiment of claim 6 (second assembly of claim 1). For this additional reason the rejections and objections are improper.

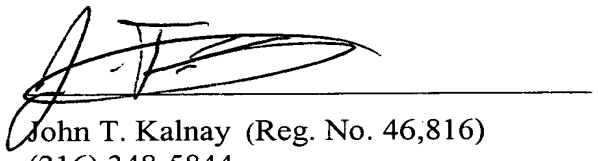
References Cited But Not Applied

The references cited but not applied have been considered and do not teach or suggest the recited features of the respective claims, individually or in combination with each other. Therefore, all claims are allowable.

Conclusion

For the reasons set forth above, claims 1-20 patentably distinguish over the reference and are allowable. An early allowance of all claims is earnestly solicited.

Respectfully submitted,



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